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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,010	07/20/2004	Katsuhiro Oomori	1297.43994x00	8967

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EXAMINER

CARIASO, ALAN B

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/502,010	Applicant(s) OOMORI ET AL.	
	Examiner Alan Cariaso	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 10 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040720</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No.

PCT/JP03/00360, filed on January 17, 2003. ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by VAN OSENBRUGGEN (US 2002/0131267 A1).

4. VAN OSENBRUGGEN discloses a power tool (figs.3-4) comprising: a body housing (300,301) inherently housing a motor as a drive power source and having an end output unit (402); a handle grip (306) integral with the body (301); and a light unit (302) disposed to one of the handle grip (505 in fig.5) and the body (300,301, figs.3-4) and having a light-emitting element (302) for illuminating the work space worked on by spindle (402) or abrasive disk (307) at a distal end of the end tool (402 or 307); wherein the light-emitting element (302) comprises a yellow LED (paragraph 0074, last few lines); whereas the field of invention includes electric drivers or drills (paragraph 0001)

that drive fasteners, it is considered inherent that this light unit is also applicable to power tools that drive fasteners.

5. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by DAVIS (US 6,565,227 B1).

6. DAVIS discloses a power tool (fig.4) comprising: a body housing (drill 212) inherently housing a motor as a drive power source and having an end output unit with end tool (216) capable of driving a fastener; a handle grip integral with the body (212), the handle grip (fig.4) extending generally perpendicular to the body providing a space surrounded by the handle grip and the body; and a light unit (210) having a light-emitting element (104, fig.1) for illuminating a fastener located at a distal end of the end tool (216); a pull trigger disposed at a top part of the handle grip (fig.4), the light unit (210) being disposed within the protective space and at position below the body (212) and above the trigger (fig.4); and a transparent lens (108 or 103 in fig.1) disposed in front of the light unit (101).

#### ***Allowable Subject Matter***

7. Claims 1-8, 11 and 12 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: Claims 1-8, 11 and 12 have allowable subject matter not suggested by the prior art of record: a lever spaced away from the handle grip with a predetermined gap therebetween, wherein the lever is pivotally movably supported a rear lower portion of

the handle grip and extends frontwardly along the lower portion of the handle grip, the light emitting element being disposed at a free end portion of the lever; the switch means for switching the light-emitting element on and off, the switch means being disposed separately from the trigger for starting driving of the motor, in combination with an off circuit for automatically turning the light-emitting element off at a predetermined time after the light-emitting element turns on; the light unit being generally ring-shaped around a circumference of the hollow cylindrical part, the light unit comprising a ring shape lens having a configuration in conformity with an outer circumferential configuration of the body and the lens has an outer diameter in a radial direction of the body gradually smaller toward a front end of the body.

### ***Conclusion***

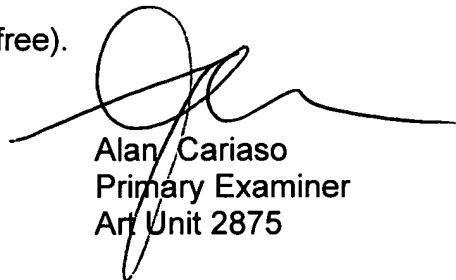
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. MATSUNAGA (US 6,318,874) show a trigger switch (6) that includes two related switches (S1,S2) that actuate or deactuate the light unit and power tool motor with a time delay circuit connected to the light unit. PALM (US 5,169,225) and LIU (US 6,168,287) show power tools having dual or separate switches for actuating/deactuating the power motor and light unit. CAMERON et al (US 2,525,588) show a light unit below the body of the power tool motor and handle perpendicularly attached to the body.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso  
Primary Examiner  
Art Unit 2875

December 12, 2005  
AC